

REMARKS

As a preliminary matter, with respect to the drawings, Figs. 1-5 have been amended herewith to comply with the objections noted by the Examiner. A separate letter to the Draftsman and Submission of Formal Drawings are also enclosed herewith. Approval of the proposed drawing changes is respectfully requested.

As a second preliminary matter, the Examiner indicates on the “Office Action Summary” that claims 23-26 stand rejected. However, no grounds of rejection actually appear in the body of the Office Action with respect to these claims. The Examiner only notes, within the text of the Section 102 rejection, that “claims 14, 23, 25, and 26 are hybrid device by method claims,” but does not actually reject the claims. Whether or not this assertion is correct (Applicants submit that the assertion is not correct), it is not the basis upon which claims may be rejected under Section 102.

No prior art reference, for example, is cited with respect to this “hybrid” assertion. The only prior art-based substantive rejection appears in paragraph 7 of the Office Action, but this paragraph only states that claims 14-16 stand rejected. Although the Examiner discusses claims 23-26 within the body of paragraph 7, the Examiner has not actually rejected these claims. Accordingly, the Office Action is deficient on its face for at least these reasons, and must be vacated. The Examiner must reissue the outstanding Office Action and at least either indicate that claims 23-26 are allowable, or state on the record the grounds upon which they are rejected.

Claims 14-16 stand rejected under Section 102(a) as being anticipated by Applicant's Admitted Prior Art ("the AAPA"). Applicants respectfully traverse this rejection because a *prima facie* case of anticipation has not been established. The Examiner has failed to give full consideration to all of the structural limitations of the claims, and the Examiner has misinterpreted the plain text of the AAPA.

The Examiner incorrectly dismisses in their entirety, all of the main structural limitations of the present claims on the grounds that these limitations also include some functional language within the text. The Examiner's summary dismissal in this matter is inappropriate. Many verbs commonly used in patent claim drafting practice (i.e., "formed") can denote either a functional step or a structural limitation. In some cases, the claim language can even denote both structural and process limitations, but the Examiner is still required to give full consideration to any structural features and limitations denoted by such language. See Section 2113 of the MPEP. In the present case, however, the Examiner has not given full consideration to all of the clear structural limitations of independent claim 14.

Specifically, and regardless of how the Examiner interprets the process of forming the bumps and alignment control layers for the apparatus featured in claim 14, the structural features of the claim still indicate that the material which actually comprises the bumps in the alignment control layers is a polymerizable compound, and that this compound also exists within the liquid crystal itself. Irrespective of the process that may be employed to create these elements, their material characteristics are still structural limitations, which are

clearly recited in independent claim 14, as originally filed. As discussed above, the Examiner is not entitled to simply ignore all of these structural limitations, even if he determines that some functional language may also exist.

Furthermore, the Examiner has also clearly misread page 6, lines 26-27 of the present Specification, as demonstrated by the erroneous assertion that this portion of the text describes “that *the bump* and alignment control layer 64 are made of polyimide.” The cited text portion describes that only the alignment control layer, and not necessarily the bump, is made of polyimide. The text immediately preceding the cited portion clearly describes that the alignment layer is a separate element from the bump, which covers the surface of the bump. (Page 6, lines 23-24). The text immediately following the cited portion unmistakably describes that the bump is made of *a photoresist*. (Page 6, line 27 through page 7, line 1). Accordingly, because the Examiner’s readings of the AAPA is clearly erroneous, the rejection of independent claim 14, as well as its dependent claims 15-16, is respectfully traversed, and must be withdrawn.

Additionally, the rejection is further traversed because there is no indication in the description of the AAPA that even the polyimide that forms the alignment control layer is also included in the liquid crystal itself. As discussed above, claim 14, as originally filed, clearly features that the polymerized compound that comprises the alignment control layer *and bumps* is also added to the liquid crystal. The Examiner has not cited anything within the

AAPA description that teaches (or even suggests) such features or limitations, and the Examiner does not appear to have considered all of this recited language from claim 14.

Although the Examiner is correct to assert that polyimide is a polymer compound itself, claim 14 does not merely recite the presence of a polymer compound. Instead, the Examiner can see that the plain language of claim 14 additionally recites that the polymerizable compound of the present invention is included in the liquid crystal. As cited by the Examiner, the AAPA does not teach (or suggest) anything about a relationship between the bumps and the alignment film on one hand, and a polymerizable compound in the liquid crystal on the other hand. Accordingly, for at least these further reasons, the outstanding Section 102 rejection of claims 14-16 is again respectfully traversed.

In the interest of expediting prosecution only, independent claims 14 and 23 have been grammatically amended herein to clarify the structural and material limitations of the claim that were already featured in these claims as originally filed. As discussed above, the Examiner has not provided an appropriate basis for rejecting these claims based on his interpretation of Section 2113. An objection to the claims may have been appropriate, but the Examiner has raised no such objection. Nevertheless, the Examiner should find that the grammatical amendments to the independent claims presented herein should negate the possibility of any such claim objections.

In the event that the Examiner wishes to reissue the outstanding Office Action and reject claims 23-26, Applicant's submit that independent claim 23 contains subject

matter similar to that discussed above with respect to independent claim 14, and should therefore be in condition for allowance over at least the AAPA, for at least the same reasons discussed above with respect to claim 14.


With respect to the Examiner's comments regarding the alleged "functional language" in dependent claims 25 and 26, the Examiner should be aware that control sections formed by a rubbing treatment are not automatically structurally identical to control sections formed by changing the surface energy of their basis of alignment. As discussed above, the Examiner is still required to give full consideration to any such structural limitations imposed by this language. Regardless, claims 25 and 26 should still be in condition for allowance for at least the same reasons as their base claim 23.

For at least the foregoing reasons, Applicants submit that this application, including claims 14-16 and 23-26 is in condition for allowance, which is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By


Josh C. Snider

Registration No. 47,954

Customer No. 24978

September 21, 2006

300 South Wacker Drive
Suite 2500

Chicago, Illinois 60606

Telephone: (312) 360-0080

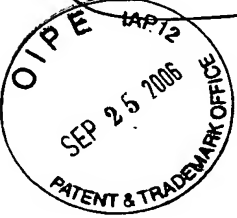
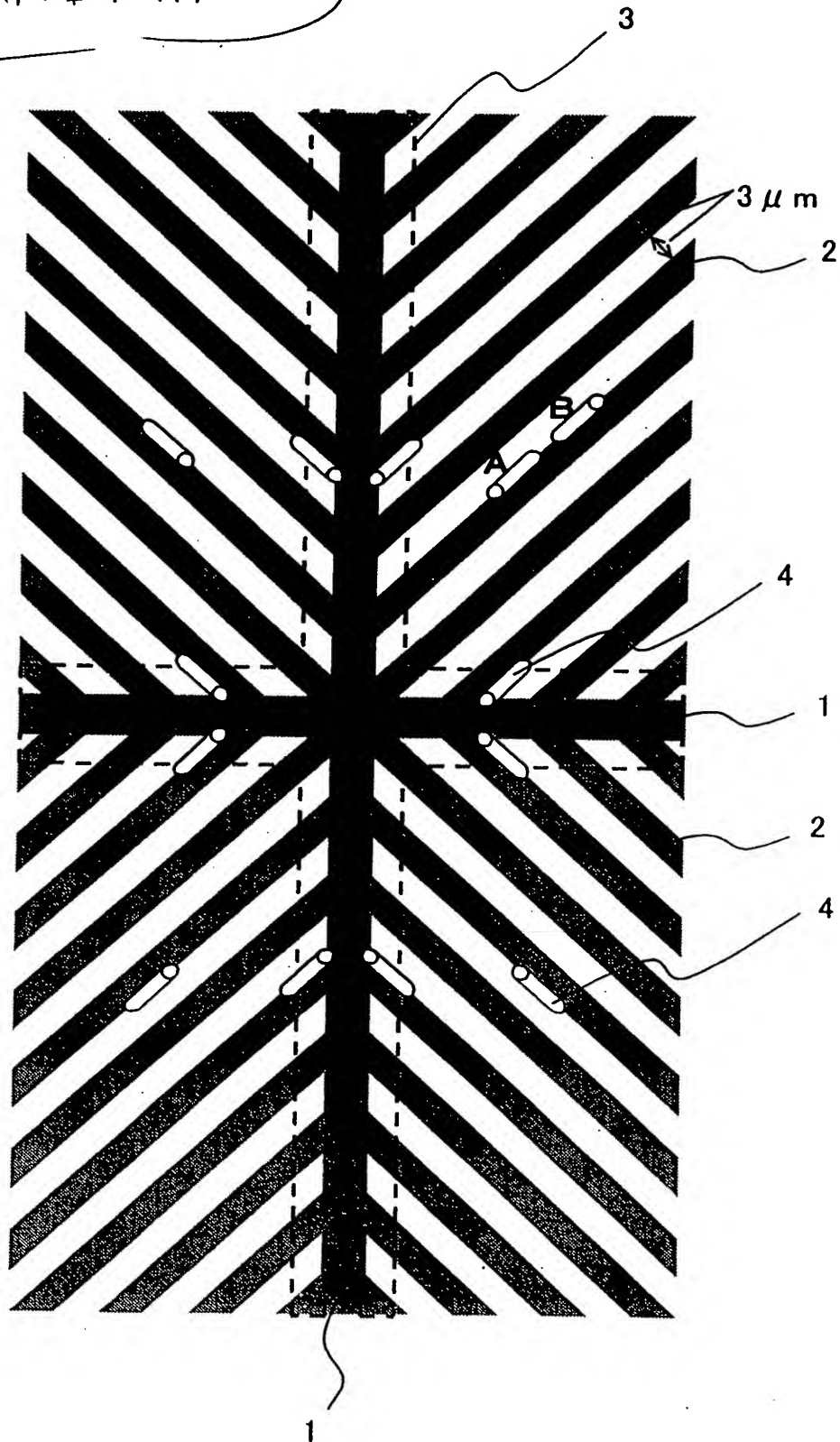
Facsimile: (312) 360-9315

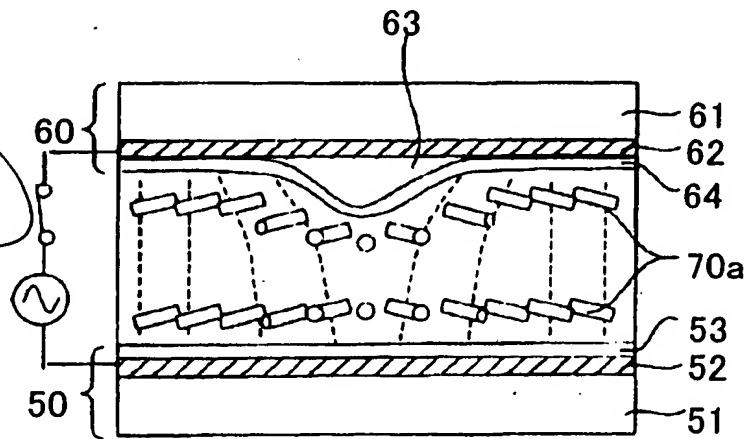
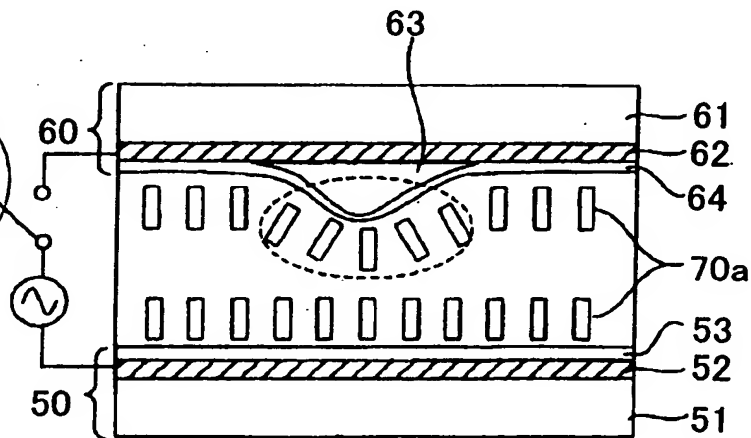
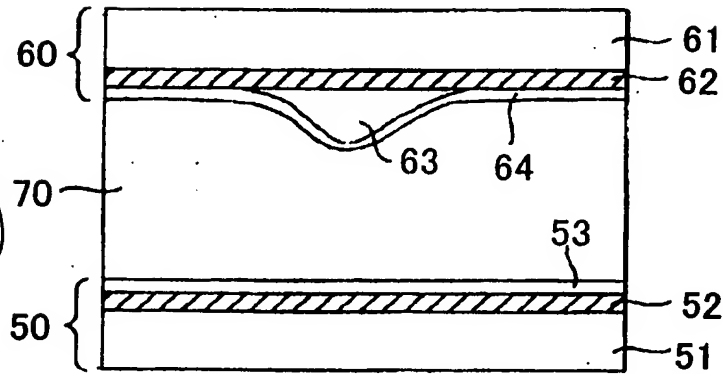
P:\DOCS\3408\70098\AO8293.DOC

IN THE DRAWINGS:

Please approve the drawing changes as shown in red in the attached marked-up copies of Figs. 1-5. A separate Letter to the Draftsman indicating the same proposed drawings changes is also enclosed, along with a Submission of Formal Drawings.

FIG. 1 (PRIOR ART)





ON

FIG. 4 (PRIOR ART)

MVA PANEL

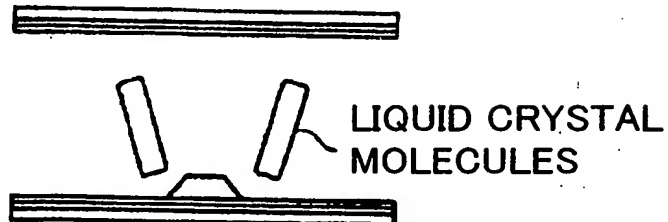


FIG. 5
(PRIOR ART)

IPS PANEL

